

Amendments to the Drawings:

The attached sheets of drawings include changes to Figure 2 and new Figures 7-10.

Attachments: 1 Replacement Sheet and 4 New Sheets.

REMARKS

Claims 1, 3-11, 13-20 and 39-44 are pending by way of this amendment. Claims 1 and 10 are currently amended. Claims 2, 12, 21-38, 45 and 46 are canceled. No new matter has been introduced.

This Amendment is filed in lieu of the Amendment After Final filed on April 10, 2006 (which was not entered by the previous Examiner) and the Examiner's Amendment with the Notice of Allowance dated June 26, 2009. Non-entry of the Amendment After Final filed on April 10, 2006 and non-entry of the Examiner's Amendment with the Notice of Allowance dated June 26, 2009 are respectfully requested. A Request for Continued Examination ("RCE") is filed concurrently herewith.

The previous Examiner's rejections in the Final Office Action dated February 8, 2006 of claims 1 and 3-10 under 35 USC Section 112, and of claims 3-11, 13-42, 45 and 46 based on cited art were appealed to the Board of Patent Appeals and Interferences (the "Board"). The previous Examiner had objected to claims 43 and 44 as depending from a rejected base claim, but had indicated claims 43 and 44 were directed to allowable subject matter. Claim 44 depends from claim 43, which depends from claim 40, which in turn depends from claim 39.

The Board in a Decision on Appeal dated October 31, 2008 and in a Decision on Request for Rehearing dated February 4, 2009, reversed the Examiner's rejections of claims 11, 13-20 and 39-42 and indicated that if claims 1 and 10 were amended as requested by the Applicants, the 35 USC Section 112 concerns would be vitiated. In February and March of 2009, Applicants' counsel conferred with the present Examiner regarding post-decision amendments to bring the application into a condition for allowance. The Examiner is thanked for conferring with Applicants' counsel.

In response to the Board's decisions, the present Examiner issued a Notice of Allowance with an Examiner's Amendment on June 26, 2009. The Examiner's Amendment canceled claims 1, 3-10, 21-38, 45 and 46 and allowed claims 11, 13-20 and 39-44 (restating claims 43 and 44 in independent form). Applicants thank the Examiner for the Notice of Allowance and for conferring with Applicants' counsel by telephone in July regarding the Examiner's Amendment and the allowability of claims 1 and 3-10 if amended as previously

requested by the Applicants, as well as the entry of amendments to the specification in view of the previous Examiner's objections to the figures. During the July 2009 telephone conferences, the Examiner suggested Applicants file an RCE to address the requested amendments to claims 1 and 10 and the requested amendments to the specification. Accordingly, Applicants are submitting the current RCE.

The Pending Claims Are Allowable

Claims 1 and 3-10 were rejected by the previous Examiner under 35 USC Section 112. Claims 3-9 depend from claim 1. Applicants proffered an amendment to claims 1 and 10 to address the previous Examiner's rejection, but the previous Examiner refused to enter the proffered amendment. Applicants have amended claims 1 and 10 as previously proffered. Claims 1 and 3-10 are allowable as amended because the Board, in its Decision on Appeal dated October 31, 2008, indicated the amendments requested by the Applicants to claims 1 and 10 would vitiate the Section 112 concerns.

Claims 11, 13-20 and 39-42 are allowable based on the Board's Decisions reversing the previous Examiner's rejections of these claims. Claims 43 and 44, which the Examiner indicated were directed to allowable subject matter, are allowable at least pursuant to their dependencies on allowable claims 40 and 39. Applicants do not believe it is necessary to restate claims 43 and 44 in independent form, but will agree to do so if the Examiner believes it is necessary.

The Previous Examiner's Objections to the Drawings

The previous Examiner objected to the drawings under 37 C.F.R. § 1.121(d) for failing to show every feature of the invention specified in the claims. Applicants respectfully traverse the previous Examiner's objections.

With regard to claims 1, 10 and 11, the previous Examiner contended the claimed first control circuit was not illustrated in the figures. An embodiment of the first control circuit is illustrated in Figure 2 as the main processor 600. No new matter has been introduced. See Original Specification at page 15-16, in particular, see the paragraph beginning on page 15 and continuing on page 16 of the Original Specification (the paragraph beginning on page 13, line 26 of the Substitute Specification), which discusses the main processor 600.

With regard to claims 11, 13-15, and 18-20, the previous Examiner contended the methods are not illustrated in the drawings. New Figures 7-10 illustrate example embodiments of the claimed methods. No new matter has been introduced. See Original Specification: Summary of the Invention at 5-6 (Substitute Specification at 4-5); page 16, line 18 through page 27, line 5 (Substitute Specification at 14, line 11 through 23, line 15).

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

All of the claims remaining in the application are now clearly allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

/Timothy L. Boller/
Timothy L. Boller
Registration No. 47,435

TLB:jrb

Enclosures:

- 1 Sheet of Replacement Drawings (Figure 2)
- 4 Sheets of New Drawings (Figures 7-10)

701 Fifth Avenue, Suite 5400
Seattle, Washington 98104
Phone: (206) 622-4900
Fax: (206) 682-6031